

REMARKS

Claims 1-10 and 21-24 are pending. Claim 1 has been amended. Claims 1-4 and 10 are rejected under 35 U.S.C. §102 and §103 over *Mao, et al.* Claims 5-9 and 21-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Titterington, et al.* in view of WO 2004/086541. For the reasons stated below, Applicant believes all claims to be in condition for allowance.

AMENDMENT

Applicant has amended claim 1 to clarify the axis referred to in dependent claims for the purpose of narrowing potential issues on appeal. Applicant requests the Examiner enter the amendment.

Claim rejections – 35 U.S.C. §112

The Examiner rejected claim 21 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that claim 21 recites that the cell structure includes another protrusion spaced from said protrusion, said another protrusion and said protrusion forming a tortuous path. The Examiner contends that this limitation introduces new matter, specifically referring to Figure 9 and paragraph 37 of the specification indicating that the first and second protrusions are located on different members. The Examiner contends that claim 21 provides for a configuration where the first and second protrusion are both located on the same member. As a preliminary matter, it should be noted that claim 21 does not indicate that “another protrusion” is on either the “second conductive member” or the “first conductive member.” Accordingly, because claim 21 is broad enough to encompass

another protrusion on either “member,” then there is sufficient teaching in Figure 9 as well as the specification to support this claim.

Indeed, even if one reads the “both protrusions” to be on one plate only, there is support for this limitation in Figure 9, which shows protrusions 102 and 106 defining in part a tortuous path. Accordingly, Applicant requests that this particular rejection be withdrawn.

Claim rejections – 35 U.S.C. §102

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by *Mao, et al.* The Examiner contends that insulator 89 is “a securing member.” There is no indication in *Mao, et al.* that insulator 89 secures protrusion 82a to volume 84a. Indeed, the dove-tail fit between protrusion 82a and volume 84a suggests that insulator 89 need not be a securing member but may instead be simply an insulator. Therefore, claim 1 is in condition for allowance.

Claim rejections – 35 U.S.C. §103

Claims 2-4, 10 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Mao, et al.* Applicant disagrees that the features taught by these claims are obvious. Indeed, while the Examiner contends that these limitations are taught in the art, there is no reference cited supporting these limitations or their combination with *Mao, et al.* Applicant requests the Examiner provide such evidence. Indeed, the Examiner claims that the insulating material of Figure 3 would act as an adhesive. However, there is no indication in *Mao, et al.* that the “insulating film” of *Mao, et al.* is used as an adhesive or, in fact, even placed in a liquid state to function as an adhesive. Accordingly, there is no support for the rejection of claims 2-4, 10 and 24. Therefore, these claims are in condition for allowance.

The Examiner rejected claims 5-9 and 21-24 under 35 U.S.C. §103(a) as being unpatentable over *Titterington, et al.* in view of WO 2004/086541. Applicant disagrees with the

basis for this combination. The Examiner contends that one would make the combination to provide a better seal for the electrochemical cell of *Titterington, et al.* However, as disclosed by *Titterington, et al.* there are provided slots 21 and 22 that communicate with aperture 13. [*Titterington, et al.*, column 6, ll. 50-54]. The provisioning of a volume and protrusion structure in the sealing area of the electrochemical cell structure could destroy an object of the invention of *Titterington, et al.*, i.e., the communication of fluid flow to aperture 13. Accordingly, the combination is improper. Therefore, claims 5-9 and 21-24 are in condition for allowance.

Claim 7 requires, “a first protrusion and a second protrusion, said first protrusion spaced radially from said second protrusion relative to said access.” [Claim 7, emphasis added]. WO 2004/086541 teaches a rectangular shape. Accordingly, there is no teaching of spacing protrusions radially. Accordingly, claim 7 is in condition for allowance.

Claim 8 requires, “said protrusion and said volume extends circumferentially about said axis.” There is no teaching of protrusions and volumes extending in this manner by WO 2004/086541, which again teaches a rectangular shaped electrochemical cell.

Claim 9 requires, “said first volume spaced radially from said second volume.” This feature is not taught by WO 2004/086541. Therefore, claim 9 is in condition for allowance.

Claim 21 requires, “said another protrusion and said protrusion forming a tortuous path.’ There is no teaching in either *Titterington, et al.* or WO ‘541 of such a path. The Examiner offers no evidence that such a feature is known in the art. If there is such evidence, Applicant requests the Examiner produce it. Accordingly, claim 21 is not taught by the cited references even assuming the combination to be proper.

With respect to claims 22 and 23, the Examiner contends that another volume (protrusion extending transversely from the first volume) is taught by *Titterington, et al.* “since portions of

the manifold seals would be approximately right angles to the circumferential seal(s)." Applicant does not understand the basis for this rejection and requests the Examiner identify how the features of claims 22 and 23 are taught, preferably with reference to a figure.

With respect to claim 24, the Examiner contends that WO '541 is inherently capable of accommodating the securing member when it is in a liquid state. However, ridge 25 and groove 30 appear in Figures 3a and 3b of WO '541 to be exactly matched, leaving no room for any adhesive to be accommodated within groove 30. Therefore, claim 24 is in condition for allowance.

For the foregoing reasons, Applicant requests that claims 1-10 and 21-24 be allowed.

Respectfully submitted,

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